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JUN 28 2006  
FILED  
JUN 28 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE VENUE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
JON R. DOYLE,  
  
Defendant.

Case No. CR-05-00199 HRL  
  
STIPULATION AND ORDER  
CONTINUING SENTENCING  
HEARING  
  
Crim. L.R. 32-2

STIPULATION

Pursuant to Criminal Local Rule 32-2, Jon R. Doyle requests that the court continue the sentencing hearing to September 28, 2006 at 9:30 a.m.

Good cause exists to continue this hearing. Late last month the victim, E-brary, directed that its associate general counsel engage in restitution discussion with defense counsel in an attempt to resolve the restitution issue prior to the sentence hearing. The parties believe that resolving restitution prior to sentencing will preserve judicial resources and allow the sentencing to proceed without the necessity of a drawn out hearing on that issue. After a preliminary discussion between defense counsel and counsel for E-brary the parties are set to meet at E-brary on July 10, 2006. Therefore, it is necessary to continue the sentencing hearing to resolve the restitution issue. Additionally, continuing the sentencing hearing to September 28, 2006 will allow the probation officer adequate time to incorporate the restitution resolution into the Pre-sentence Report.

- 1  
2 1. On June 27, 2006, I discussed the reasons for seeking a continuance of the sentencing  
3 hearing and the proposed hearing date of September 28, 2006, with Assistant United  
4 States Attorney Shashi H. Kewalranani. Mr. Kewalranani does not object to the  
5 stipulation and continued hearing date.
- 6  
7 2. On June 26, 2006, I had a follow-up discussion with Assistant Probation Officer J.D.  
8 Woods about seeking a continuance of the sentencing hearing and the proposed  
9 hearing date of September 28, 2006. Mr. Woods does not object to the stipulation  
10 and continued hearing date.
- 11  
12 3. On June 26, 2006, my secretary confirmed with the Courtroom Deputy Clerk that  
13 September 28, 2006 at 9:30 a.m. is available as a proposed hearing date.

14  
15 I declare under penalty of perjury under the laws of the United States of America that the  
16 foregoing is true and correct and that this document was executed on the 27<sup>th</sup> day of June 2006 at  
17 San Jose, California.

18 Dated: June 27, 2006

19 BERLINER COHEN

20  
21 By /s/Christian E. Picone  
22 FRANK R. UBHAUS  
23 CHRISTIAN E. PICONE  
24 ATTORNEYS FOR JON R. DOYLE

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26 ///

1 I approve of the above Stipulation.

2 Dated: June 27, 2006

3  
4 KEVIN D. RYAN  
UNITED STATES ATTORNEY

5  
6 By /s/Shashi H. Kewalranani  
7 SHASHI H. KEWALRANANI  
8 ASSISTANT UNITED STATES  
9 ATTORNEY

10 **ORDER**

11 Based on the foregoing stipulation and good cause appearing therefore, it is hereby ordered  
12 that the sentencing hearing scheduled for Thursday, June 29, 2006 is vacated and this matter is  
13 continued for a sentencing hearing on Thursday, September 28, 2006 at 9:30 a.m.  
14

15  
16  
17  
18 Dated: June 28, 2006

19   
20 HOWARD R. LLOYD  
21 UNITED STATES MAGISTRATE JUDGE  
22  
23  
24  
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